(34)

20/12/07

HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition (C) No. 7524 of 2007

PETITIONERS : 1. Smt. Premlata Tiwari, aged about 70 years Wife of Shri K.D. Tiwari;
2. Sanjay Tiwari Son of Shri K.D. Tiwari, aged about 37 years;
Both resident of Vallabhnagar, Raipur District Raipur (CG).

VERSUS

RESPONDENTS : 1. Indira Priyadarshini Mahila Nagrik Sahkari Bank Maryadit, Sadar Bazar, Raipur (CG) (now in liquidation), Through: its Liquidator.
2. The Official Liquidator, Indira Priyadarshini Mahil Nagrik Sahkari Bank Maryadit, Sadar Bazar, Raipur (CG).
3. The State of Chhattisgarh, Through: Its Secretary, Department of Cooperative Societies, DKS Bhawan, Raipur (CG).
4. The Registrar, Cooperative Societies, Raipur (CG).

(WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

(SB: Hon'ble Mr. Satish K. Agnihotri, J.)

Present : Shri Praveen Kumar Tulsyan, Advocate for the petitioners.
Shri Vinay Harit, Deputy Advocate General for the State.

ORAL ORDER
(Passed on 17th of December, 2007)

(1) Learned counsel appearing for the petitioners submits that the petitioners have made a representation to the respondent No. 2, to settle his dues on 30.11.2007 (Annexure P/2). Thereafter, the petitioners reminded again by letter dated 07.12.2007 (Annexure P/6).

(2) Without giving sufficient opportunity to the respondent No. 2 for deciding the representation and passing an order, the petitioners have hastily rushed to this Court for writ of mandamus.

(3) It is expedient that the respondent No. 2 should decide the representation of the petitioners in accordance with law, as expeditiously as possible, before taking any action which may adversely affect the rights of the petitioners.

(4) With the above observations, this petition stands disposed of. No order asto costs.

Sd/-
Satish K. Agnihotri
Judge

sahu

(R) 22/12/07

(44)

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 7525 of 2007

PETITIONERS

1. Philmon Minj, aged about 54 years son of Late Dhepra Minj, working as Gangman, under P.W.D. – Kansabel, Distt. Jashpur (C.G.), R/o Vill. And PO. Bandarchuwan, Distt. Jashpur (C.G.) (year 1989)
2. Bajrat Ram Sai, aged about 52 years, son of Tilak Sai Ram, presently working as Gangman, under the P.W.D. – Kansabel, R/o. village and Post Kansabel Distt. Jashpur (C.G.) (year 1989)
3. Bandu Ram, aged about 51 years, son of Khasra Ram, working as Gangman, under P.W.D.- Kansabel, Distt. Jashpur (C.G.) R/o. Vill. Tambasingha Post Bandarchuwan, Distt. Jashpur (C.G.) (year 1989)
4. Devsharan, aged about 50 years, son of Shri Ungul Sai, working as Gangman, under P.W.D.- Kansabel, Distt. Jashpur (C.G.) R/o. village Dodibahar, Post – Bandarchuwan, Distt. Jashpur (C.G.) (year 1989)

Versus

RESPONDENTS

1. State of Chhattisgarh, through the Secretary – Department of Public Works, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. Executive Engineer, Public Works Department, Division – Jashpur, Distt. Jashpur (C.G.)
3. Sub Divisional officer, Sub Division – Patthalgaon, Public Works Department, Distt. Jashpur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Vinod Tekam, counsel for the petitioners.

Shri Sumit Verma, Panel Laywer for the State/ respondents.

ORAL ORDER
(19.12.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioners submits that a permanent Gang-man is to be retired at the age of 62 years in accordance with the *Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam 1967* read with Fundamental Rules, 56. He also submits that the point raised has been decided by this Court in batch of matters i.e. W.P.No.108/2005 and many other connected matters on 04.01.2007, reported in ***2007 (2) C.G.L.J. 29 (Govind & others Vs. State of C.G.)*** and this matter is squarely covered by that decision, which may be disposed of on the same terms.

Learned counsel for the State fairly agrees that this matter is covered by the said decision. However, he submits that in some matters the State has filed writ appeals.

Unless some interim order is passed, merely on account of filing of the writ appeal, hearing of this writ petition cannot be kept in abeyance, when the matter is squarely covered by the said judgment.

In the result, this petition is allowed.

It is disposed of in terms of the order dated 04.1.2007 passed in W.P. No.108/2005 and other connected matters. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

vatti